

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**United States of America,**  
Plaintiff,

CR21-20747-TGB-KGA-7

v.

Hon. Terrence G. Berg

**Marcos Antonio Monarrez,**  
Defendant,

---

**Motion to Revoke Conditions of Release *Nunc Pro Tunc* to  
January 11, 2023**

---

Marcos Antonio Monarrez, through undersigned counsel, moves to revoke his conditions of release, *nunc pro tunc*, to January 11, 2023. The Government does not oppose revocation of his conditions of release. The Government does oppose the *nunc pro tunc* modification.

s/ Richard "Alex" Coomer  
RICHARD ALEXANDER COOMER  
Attorney for Marcos Monarrez

***Ralls & Wille, P.C.***  
314 South Sixth Avenue  
Tucson, Arizona 85701  
(520) 884-1234  
AZ Bar #031942  
[alex@rallslawoffice.com](mailto:alex@rallslawoffice.com)

1                   **BRIEF IN SUPPORT OF MOTION TO REVOKE:**

2                   On May 4, 2022, this Court released Mr. Monarrez on conditions.  
3                   Condition One stated that Mr. Monarrez’s release is subject to the condition  
4                   that he “not violate federal ... law while on release.” [ECF Doc. 161, Page 1  
5                   of 5.]

6                   On January 11, 2023, Mr. Monarrez was arrested in Phoenix, Arizona  
7                   on new criminal allegations. This new offense was charged out of the Western  
8                   District of Pennsylvania. Mr. Monarrez is presently held in custody in a  
9                   federal jail in Florence, Arizona and is pending removal to the Western  
10                  District of Pennsylvania.

11                  Due to this new indictment against Mr. Monarrez, probable cause has  
12                  been established that Mr. Monarrez has violated Condition One of his release  
13                  conditions. *See* 18 U.S.C. § 3148 (b)(1)(A). In turn, the Defense and the  
14                  Government both agree it is appropriate to revoke his conditions of release.  
15                  Further, Mr. Monarrez is willing to waive his right to a hearing in the present  
16                  matter and allow the Court to make this specific judicial finding that his  
17                  conditions of release be revoked. *Id.*

18                  The only present issue that the parties do not agree upon is whether that  
19                  date of arrest shall be applied, *nunc pro tunc*, for purposes of when revocation  
20                  occurred. The Government has informed the Defense that it opposes release  
21                  conditions being revoked *nunc pro tunc* to January 11, 2023.

22                  The Defense position is that Mr. Monarrez should be entitled to the days  
23                  he has spent in custody because he has actually been held in custody since

1 January 11, 2023, he is waiving his right to a hearing on revocation of release  
2 conditions, he is not contesting revocation of his release conditions, and the  
3 sum of these decisions within his power saves the Government and Judiciary  
4 valuable resources.

5 **CONCLUSION:**

6 Accordingly, the Defense moves to revoke Mr. Monarrez's conditions  
7 of release and to order that the revocation of release date be January 11, 2023,  
8 *nunc pro tunc*.

9  
10 Respectfully submitted on February 10, 2023.

11 *s/ Richard "Alex" Coomer*

12 RICHARD ALEXANDER COOMER  
13 Attorney for Marcos Monarrez

14 ***Ralls & Wille, P.C.***

15 314 South Sixth Avenue

16 Tucson, Arizona 85701

17 (520) 884-1234

18 AZ Bar #031942

19 alex@rallslawoffice.com  
20  
21  
22  
23

Certificate of Service

I hereby certify that on February 10, 2023, I electronically transmitted/hand delivered the attached document to the Clerks' Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing/or hand delivered the following CM/ECF registrants:

ECF Participants.

By: R. Alex Coomer  
5835/Motion to Revoke Conditions of Release